

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

| | | |
|--------------------------------|---|-------------------------------|
| IN RE: |) | |
| |) | |
| LELAWTIE BALGOBIND, |) | CASE # 6:17-bk-02971-CCJ |
| |) | |
| Debtor. |) | CHAPTER 7 |
| _____ / |) | |
| |) | |
| RICHARD B. WEBBER II, TRUSTEE, |) | |
| |) | |
| Plaintiff. |) | ADV. NO. <u>6:18-ap-_____</u> |
| vs. |) | |
| |) | |
| LELAWTIE BALGOBIND, |) | |
| |) | |
| Defendant. |) | |
| _____ / |) | |

**TRUSTEE'S ADVERSARY PROCEEDING COMPLAINT TO DENY DEBTOR'S
DISCHARGE PURSUANT TO §727 OF THE BANKRUPTCY CODE**

Plaintiff, Richard B. Webber II, as Trustee of the Estate of the above-named Debtor, sues Debtor/Defendant, LELAWTIE BALGOBIND, seeking a denial of Debtor's Discharge under Section 727(a)(2)(B) of the Bankruptcy Code and in support thereof states as follows:

PARTIES

1. The Debtor, LELAWTIE BALGOBIND ("Debtor") filed a voluntary Chapter 13 Bankruptcy Petition on May 5, 2017.
2. The case was converted to Chapter 7 on December 11, 2017.
3. Plaintiff was appointed by the Court to act as Chapter 7 Trustee of the Estate, and in so acting has authority to, and does, bring this action.
4. The Defendant, LELAWTIE BALGOBIND, is a resident of Orange, County, FL.

JURISDICTION

5. Debtor's Chapter 7 case is pending in the United States Bankruptcy Court in the Middle District of Florida, Orlando Division, Case 6:17-bk-02971-CCJ.

6. This proceeding is a "core proceeding" pursuant to 11 U.S.C. §157(b)(2)(F) and (H).

7. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and 28 U.S.C. §157.

8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

FACTS

9. Debtor owns real property located at 4422 Beagle Street, Orlando, FL 32818 PIN # 02-22-28-1831-03-080 ("Property").

10. Debtor purchased the Property on May 31, 2005 and has been in default on the payments and remains in default since October 1, 2008.

11. Mortgage Modification Mediation failed (Doc. # 44) and the Secured Lender, SunTrust Bank, has filed a Motion for Relief from Stay (Doc. # 58) on the Property.

12. At the 341a Meeting of Creditors held on February 8, 2018, Trustee advised Debtor and Debtor's attorney that he would be working with the Secured Lender to short sell the Property and provided a letter outlining same. A copy of the letter is attached hereto as Exhibit "A" and incorporated by reference herein.

13. On February 22, 2018, this Court entered an Order approving the employment of realtors Keller Williams Winter Park to sell the Property (Doc. # 66).

COUNT I
DENIAL OF DISCHARGE

14. Plaintiff incorporates all of the foregoing paragraphs 1 through 13 herein by reference as if set forth verbatim.

15. Trustee brings this Adversary Proceeding pursuant to Section 727(a)(2)(B) of the Bankruptcy Code.

16. Trustee advised Debtor and Debtors attorney verbally and in writing regarding the intention to sell the Property for the benefit of creditors.

17. Debtor and Debtors attorney have failed to return phone calls and e-mail communications with Trustee and realtor, Keller Williams, regarding access to the Property.

WHEREFORE, Trustee believes the failure to communicate and allow access to the Property by the Debtor and Debtors attorney is an attempt to conceal property of the Estate and to delay and defraud this Estate post-petition, and therefore, Debtors' discharge should be denied pursuant to 11 U.S.C. §727(a)(2)(B).

WHEREFORE, Trustee prays this honorable Court will enter a Final Judgment pursuant to 11 U.S.C. §727(a)(2)(B) denying Debtors discharge and for all other relief as is just and proper under the circumstances of this Adversary Proceeding.

DATED: March 7, 2018

/s/ Richard B Webber II
Richard B Webber II, Trustee
PO Box 3000
Orlando, FL 32802-3000
Phone: (407)563-4328
E-mail: rwebber@zkslawfirm.com

I HEREBY CERTIFY that a true and correct copy of the foregoing Complaint has been furnished either by U. S. Mail, postage pre-paid and/or by electronic transmission to: LELAWTIE BALGOBIND, 4422 Beagle Street, Orlando, FL 32818; STACEY D WILSON, Wilson Legal Group, P.A., 7635 Ashley Park Ct., Suite 503-S, Orlando, FL 32835; and US Trustee, 400 W. Washington St., Ste. 1100, Orlando, FL 32801, on March 7, 2018.

/s/ Richard B Webber II
Richard B Webber II, Esquire



Reply To:
PO Box 3000
Orlando, FL 32802-3000

February 8, 2018

Lelawtie Balgobind
4422 Beagle Street
Orlando, FL 32818

Re: Bankruptcy Case No. 6:17-bk-02971-CCJ
Chapter 7 Bankruptcy

Dear Lelawtie Balgobind:

As Trustee, I will be selling real property located at 4422 Beagle Street, Orlando, FL 32818. If this is your primary residence, you will need to vacate the premises within 30 days from the date of this letter. If the property is occupied by a tenant, then the tenant must vacate the property within 30 days.

This letter authorizes and directs Wm. Paul Henderson II, or his assigns, from Keller Williams Realty and BK Global Real Estate Services to do whatever is necessary to inspect, secure and sell the real property located at 4422 Beagle Street, Orlando, FL 32818. This includes access to the property for the purpose of acquiring room dimensions and pertinent information, taking photographs and showing the property to potential buyers. Showings of the property will include property open houses and showings by licensed Real Estate Agents.

Unless specifically excluded the following items which are existing on the Property as of the date on this letter are included in the sale and purchase: cabinetry, counter tops, HVAC system, water heater, range(s)/oven(s), refrigerator(s), dishwasher(s), disposal, ceiling fan(s), intercom, interior and exterior light fixture(s), blinds, smoke detector(s), fencing, decks, patios, garage door opener(s), security gate and other access devices, storm shutters/panels and any other permanently attached fixtures.

Please be advised that pursuant to 11 U.S.C. §521(3) and (4), Debtors are to cooperate with the Trustee and failure to do so can result in the denial of your discharge. Please govern yourself accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard B. Webber, II'.

Richard B. Webber, II
Chapter 7 Bankruptcy Trustee